IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

WP(C).No. 3863 of 2007(I)

O.PMV.789/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KASARAGOD

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PETITIONER:

ALEEMA, AGED 48 YEARS,
W/O.A.MOHAMMED, RESIDING AT ADUKATHIL HOUSE,
C.B.ROAD, NORTH CHITHARI P.O., HOSDURG TALUK,
KASARAGOD DISTRICT.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS:

MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
THIRUVANANTHAPURAM.

BY STANDING COUNSEL SRI.JOHNSON P JOHN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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W.P.(C)NO.3863 OF 2007

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Dated this the 9th day of February 2007

JUDGMENT

The petitioner is one of the claimants in O.P.(MV)No.789/99 on the file of Motor Accidents Claims Tribunal, Kasargod. In the said petition, award was passed in favour of the claimants for realisation of an amount of Rs.5,56,000/- with 9% interest towards compensation for the death of their predecessor Mohammed. The grievance of the petitioner is that even though Ext.P1 execution petition was filed before the Motor Accidents Claims Tribunal, Kasargod as early as in 2005 for realisation of the award amount by attaching a bus belonging to the respondent/KSRTC, the tribunal has not passed any order and respondent is not making payment of the compensation amount either. Counsel for the KSRTC prays for time to get sufficient instructions. I do not see any reason to grant time to get instructions when the factum of having passed an award in O.P. (MV)No.789/99 as alleged is not in dispute. The respondent shall deposit half of the award amount or Rs.4,00,000/- whichever is less going by the E.P., positively within three weeks

from today. In case deposit is not made as ordered above, the Motor Accidents Claims Tribunal, Kasargod shall take appropriate steps immediately on the expiry of the said three weeks to have the amount realised from the respondent resorting to coercive steps.

Writ petition is disposed of with the above directions.

K.P.BALACHANDRAN, JUDGE

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